

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Christopher Crosby

v.

Case No. 12-cv-383-SM

Strafford County Department of
Corrections, Superintendent, et al.

O R D E R

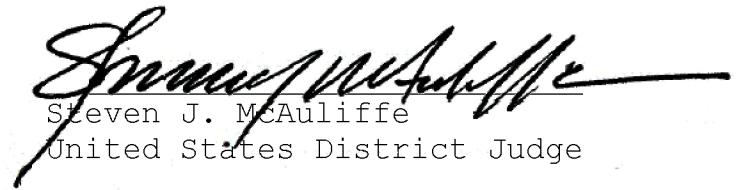
No objection having been filed, I herewith approve the Report and Recommendation of Magistrate Judge Landya B. McCafferty dated April 22, 2013, for the reasons set forth therein.

``[O]nly those issues fairly raised by the objections to the magistrate's report are subject to review in the district court and those not preserved by such objection are precluded on appeal.'' School Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010) (quoting Keating v. Secretary of Health & Human Servs., 848 F.2d 271, 275 (1st Cir.1988)); see also United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986) (after proper notice, failure to file a specific objection to magistrate's report will waive the right to appeal).

Plaintiff's Claim 3 (the § 1983 claim of supervisory liability asserted against Dowaliby (former superintendent of SCDC) and Claim 5 (claims under the Equal Protection Clause, the Eighth Amendment,

and the First Amendment) are hereby dismissed. All other remaining claims and defendants identified in the April 22, 2013, Report and Recommendation will go forward.

SO ORDERED.



Steven J. McAuliffe
United States District Judge

Date: May 10, 2013

cc: Christopher Crosby, pro se
Daniel J. Mullen, Esq.